

AKIN & HERRON, P.A.

ATTORNEYS AT LAW

ROGER A. AKIN

BRUCE C. HERRON

DEBORAH C. SELLIS

1220 N. MARKET STREET

SUITE 300

P. O. Box 25047

WILMINGTON, DELAWARE 19899

(302) 655-5552

(302) 655-3697 FAX

Writer's Direct Dial
(302) 427-6987

www.rabhlaw.com

E-Mail
bch@rabhlaw.com

April 10, 2006

VIA E-MAIL & FIRST CLASS REGULAR MAIL

Honorable Sue L. Robinson
U.S. District Court Judge
District of Delaware
844 North King Street
Lock Box 31
Wilmington, DE 19801

Re: Yarnall v. Millsboro Police Department, et. al.
C.A. No.: 05-527-SLR

Dear Judge Robinson:

Defendant Millsboro Police Department filed a Motion to Dismiss and Memorandum in Support Thereof on December 7, 2005. The Court's Order of January 20, 2006 required that plaintiff file an Answering Brief in response to Defendant's Motion on or before February 21, 2006. Plaintiff has failed to file an Answering Brief.

Defendant Millsboro Police Department requests that its Motion be considered based on the present record.

Respectfully submitted,

/s/ Bruce C. Herron

Bruce C. Herron
Attorney for Defendant
Millsboro Police Department

BCH:tad

cc: United States District Court Clerk (via first class mail)
David S. Yarnall (via first class mail)
Michael W. Tupman, Esquire (via fax only)

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